

REMARKS

Claims 1, 2, 4, 5, 9-15, and 30 are pending. A Final Office Action mailed June 30, 2006 rejected Claims 1, 2, 4, 5, 9-15, and 30 under 35 U.S.C. § 103. Pursuant to 37 CFR § 1.116, Applicant hereby respectfully requests reconsideration of the application.

REJECTION OF CLAIMS 1,4, 5, 9-14, and 30 UNDER 35 U.S.C. § 103

The Office Action rejected Claims 1,4, 5, 9-14, and 30 as being unpatentable over Games et al. (hereinafter "Games") in view of Birkedahl et al. (hereinafter "Birkedahl"). With regard to independent Claims 1 and 30, the Office Action states that Games discloses a network topology backplane bus architecture that includes data communication lines and processing nodes. The Office Action further states that Games does not explicitly disclose four independent data communication lines. The Office Action states that Birkedahl discloses four independent data communication lines 11A, 11B, 11C, and 11D. The Office Action further states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Birkedahl and Games to include four independent data communication lines, one or more of said processing nodes associated with a first enclosure being normally connected for transmitting on only a first and second of the data communication lines and being normally connected for receiving on all of the data communication lines, and one or more other processing nodes associated with a second enclosure being normally connected for transmitting on only a third and fourth of said data lines and being normally connected for receiving on all of said data lines. The Office Action states that Birkedahl system provides both communication architecture that provides reliable and redundant data communication with a high bandwidth and also improves the safety and communication efficiency of the system. Applicant respectfully traverses this rejection.

Applicant submits that Games shows three backplane buses that are shared by all units and Birkedahl shows two backplane buses 11A and 11B that are shared by all of the units and third and fourth backplane buses 11C and 11D that are only shared by different subsets of the

units. Birkedahl does not teach or suggest that all the processing nodes receive on all four of the backplane buses 11A, 11B, 11C, and 11D. Thus, Applicant submits that if Birkedahl was combined with Games, then a fourth backplane bus would be applied. However, not all of the units would be designated for transmitting on that fourth bus and for that matter, on one of the other three buses as well. Applicant submits that the only suggestion for processing nodes that transmit only on a first and second data communication line and receive on all four of the data communication lines is provided in the present invention. It is impermissible to use the inventor's disclosure as a "road map" for selecting and combining prior art disclosures. In *ATD Corp. v. Lydall, Inc.*, 159 F.3d 534, 546, 48 USPQ2d 1321, 1329 (Fed. Cir. 1998) ("Determination of Obviousness cannot be based on hindsight combination of components selectively called from the prior art to fit the parameters of the patented invention.")

Thus, Applicant submits that Games and Birkedahl, alone or in combination, failed to teach or suggest a network topology backplane bus architecture having four independent data communication lines, with one or more processing nodes for transmitting on only a first and second of the four data communication lines and one or more other processing nodes for transmitting on only a third and fourth of the data communication lines and all of the processing nodes being capable of receiving data on all of the data communication lines. Therefore, Applicant submits that independent Claims 1 and 30 are allowable over the cited references.

Because Claims 4, 5, 9-14 depend from Claim 1, they are allowable for the same reasons that make Claim 1 allowable.

REJECTION OF CLAIMS 2 AND 15 UNDER 35 U.S.C. § 103

The Office Action rejected Claims 2 and 15 over Games and Birkedahl in view of Baker et al. (hereinafter "Baker"). Applicant submits that because Claims 2 and 15 depend from allowable independent Claim 1, they are allowable for the same reasons that make Claim 1 allowable.

CONCLUSION

Applicant respectfully submits that all of the claims of the pending application are now in condition for allowance over the cited references. Accordingly, Applicant respectfully requests withdrawal of the rejections, allowance, and early passage through issuance. If the Examiner has any questions, the Examiner is invited to contact the Applicant's agent listed below.

Respectfully submitted,

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